

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 11/4/2014	(3) CONTACT/PHONE James Caruso, Senior Planner/805-781-5702	
(4) SUBJECT Introduction of an amendment to the Building and Construction Ordinance, Title 19 of the County Code, changing the requirements for retrofitting of plumbing fixtures in connection with additions, remodels and new development of residential, commercial and other structures within the Los Osos Groundwater Basin. Hearing date set for November 25, 2014. District 2.			
(5) RECOMMENDED ACTION It is recommended that the Board introduce the attached ordinance in Attachment 1 (Exhibit LRP2013-0007:D) and direct the Clerk to set for public hearing and action on November 25, 2014.			
(6) FUNDING SOURCE(S) N/A	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. ____) <input type="checkbox"/> Board Business (Time Est. ____)			
(11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input checked="" type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5 Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP N/A	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input type="checkbox"/> N/A Date: <u>4-8-08; 1-14-14</u>	
(17) ADMINISTRATIVE OFFICE REVIEW Lisa M. Howe			
(18) SUPERVISOR DISTRICT(S) District 2			

County of San Luis Obispo



TO: Board of Supervisors

FROM: Planning and Building / James Caruso, Senior Planner

VIA: Trevor Keith, Division Manager

DATE: 11/4/2014

SUBJECT: Introduction of an amendment to the Building and Construction Ordinance, Title 19 of the County Code, changing the requirements for retrofitting of plumbing fixtures in connection with additions, remodels and new development of residential, commercial and other structures within the Los Osos Groundwater Basin. Hearing date set for November 25, 2014. District 2.

RECOMMENDATION

It is recommended that the Board introduce the attached ordinance in Attachment 1 (Exhibit LRP2013-0007:D) and direct the Clerk to set for public hearing and action on November 25, 2014.

DISCUSSION

This ordinance amendment is being introduced on your November 4, 2014 agenda in order to hold a public hearing and take action at your November 25, 2014 meeting. Discussion of the proposed amendment can occur today; however, if *substantial changes* are made to the attached amendment today, the item *as changed* will have to be introduced on November 25, 2014 for adoption in December.

The following ordinance is recommended for introduction today for hearing on November 25, 2014:

County File No. LRP2013-0007B--Hearing to consider a request by the County of San Luis Obispo to amend Section 19.07042 (Water Conservation Provisions) of the Building and Construction Ordinance (Title 19 of County Code) to revise the existing program that requires new homes and businesses in the Los Osos Groundwater Basin to retrofit fixtures in existing homes and businesses to offset new water use. Supervisorial District: 2.

Attachment 1 shows the proposed ordinance amendment. Attachment 2 shows the proposed ordinance amendment with legislative changes.

Background

On January 14, 2014, your Board authorized processing of amendments to the two Los Osos Groundwater Basin plumbing retrofit programs to address circumstances that have changed in the 6½ years since the programs' adoption. This staff report addresses the proposed amendments to Title 19, the Retrofit-to-Build program. A separate staff report addresses the proposed amendment to Title 8, the Retrofit-on-Sale program.

Your Board established the Retrofit-to-Build program on April 22, 2008 by amending the Building and Construction Ordinance (Title 19 of the County Code). The Retrofit-to-Build program requires new development in Los Osos to offset twice the amount of its new groundwater demand.

The proposed changes to the Retrofit-to-Build program are discussed below.

1. Require that retrofitting occur only in the portion of the groundwater basin that is outside of the Prohibition Zone (PZ).

Residences in the PZ originally served as the main source of retrofit credits due to the age of the housing stock (older homes are more likely to have less water-efficient plumbing fixtures). Currently, all properties in the PZ must retrofit plumbing fixtures prior to connecting to the sewer system. Continuing the retrofit-to-build requirement in the PZ would not result in water savings, since those properties are already required to retrofit under the other program. Therefore, the proposed ordinance changes limit the source of retrofit credits to properties outside of the PZ.

2. Require retrofits with construction permits for any remodel

Title 19 requires an applicant for a remodel of an existing structure to retrofit plumbing fixtures in that existing structure before they can receive a building permit when the remodel includes replacement of plumbing fixtures. To be consistent with a new state law requiring low-flow fixtures with any building permit, the proposed change expands this retrofit requirement to apply to *any* remodel, whether or not it involves plumbing fixtures.

3. Revise the Efficiency Standard for Urinals in Commercial Units

Staff has received complaints, mainly health and safety related, about waterless urinals. As a result, staff recommends that for remodels of and additions to commercial structures, the efficiency requirement for urinals be changed from waterless to a maximum of 1.0 gallons per flush.

4. Allow a one-time transfer of previously-issued water conservation certificates from a vacant PZ lot to a vacant lot outside of the PZ

Since the inception of the retrofit-to-build program in 2008, 10 of the 27 water conservation certificates have been issued to vacant properties in the PZ. Property owners stated that the primary reason for obtaining certificates was to ensure that they have water for their vacant lots at the time the wastewater project is completed. Some property owners have expressed concern that the certificates will not be valid in the future on PZ lots. Additionally, with the adoption of the Basin Management Plan, lots in the PZ will benefit from supplemental water through implementation of the Basin Management Plan and may not need a water conservation certificate. The proposed amendments give these property owners the option of a one-time transfer of a previously-issued water conservation certificate to a specific property or land use permit outside of the PZ until January 1, 2019. These certificates represent completed retrofit work that has saved water but has not yet been applied toward a new building permit.

OTHER AGENCY INVOLVEMENT/IMPACT

The proposed amendment was referred to the Los Osos Community Advisory Council and the Los Osos Community Services District. This ordinance amendment has been reviewed by County Counsel as to form and legal effect.

FINANCIAL CONSIDERATIONS

No financial impacts to the current County budget.

RESULTS

Introduction of this amendment today will allow it to be heard on November 25, 2014, and if adopted, to become effective December 25, 2014. If the amendment is adopted, new development must retrofit plumbing fixtures in existing buildings outside the Prohibition Zone to obtain a water conservation certificate before a building permit can be issued. This will enable continued water conservation in the groundwater basin.

ATTACHMENTS

1. Exhibit LRP2013-0007:D: Amendment to Title 19 of the County Code
2. Exhibit LRP2013-0007:E: Amendment to Title 19 of the County Code – Legislative Changes
3. Exhibit LRP2013-0007:F: Findings